

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GIBSON BRANDS, INC., a Delaware)	
corporation,)	
)	
Plaintiff/Counterclaim-Defendant,)	Case No. 4:19-cv-00358-ALM
)	
vs.)	
)	
ARMADILLO DISTRIBUTION)	
ENTERPRISES, INC.; CONCORDIA)	
INVESTMENT PARTNERS, LLC,)	
)	
Defendants/Counterclaim-Plaintiffs)	
)	
DOES 1 through 10,)	
)	
Defendants.)	

**UNOPPOSED MOTION TO SEAL EXHIBITS TO DECLARATION OF ANNA
NAYDONOV ATTACHED TO ARMADILLO'S OPPOSITION TO GIBSON'S MOTION
TO STRIKE THE SUPPLEMENTAL REPORT OF GEORGE GRUHN**

Comes now Armadillo Distribution Enterprises, Inc. ("Armadillo"), by and through its attorneys of record, and files this Unopposed Motion to Seal Exhibits to Declaration of Anna Naydonov Attached to Armadillo's Opposition to Gibson's Motion to Strike the Supplemental Report of George Gruhn (the "Opposition"). In support of this motion to seal, Armadillo states as follows:

This is a trademark case involving highly confidential information to Defendants Armadillo Distribution Enterprises, Inc. and Concordia Investment Partners, LLC and Plaintiff Gibson Brands, Inc., as well as a number of third parties. To address this issue, the parties agreed

to, and the Court entered, a protective order limiting the disclosure of certain confidential information [Dkt. #52]. As set forth in the parties' protective order, information marked "Highly Confidential Outside Attorneys' Eyes Only" includes "trade secrets within the meaning of the Defend Trade Secrets Act and all information and materials that the disclosing party has reasonable grounds to believe would, if known to any officer, director, employee, or agent of a receiving party, or to the public, lead to significant harm or injury to the reputation and/or business of the disclosing party or provide improper advantage to others" [Dkt. #52 at ¶ 2].

In support of Armadillo's Opposition, it attaches as Exhibit A to the Declaration of Anna Naydonov a comparison of the Updated Expert Report of George Gruhn ("Mr. Gruhn") and as Exhibit B portions of the expert testimony of Mr. Gruhn. Exhibit A is designated "Highly Confidential – Attorney's Eyes Only" and Exhibit B is designated "Confidential." In his reports, Mr. Gruhn opines on the issue of genericness of Gibson's asserted guitar shapes and details widespread third-party uses of identical and similar shapes in the United States (including, where available, sales information for the third-party guitar models). The information included in Mr. Gruhn's report and in his testimony is sensitive, trade secret information that is not publicly available. While relevant to the issue before the Court regarding Mr. Gruhn's supplemental report, if this information were to be disclosed to the public it could lead to significant harm or injury to the business of the parties and various third parties and could give others an improper advantage. Plaintiff Gibson Brands, Inc. is unopposed to the relief requested in this motion to seal.

Accordingly, Armadillo respectfully requests that the Court grant this motion and permit Exhibits A and B to the Declaration of Anna Naydonov to be sealed pursuant to the Court's protective order.

Dated: August 28, 2020

Respectfully submitted,

/s/ Anna Naydonov

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CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that on the 28th day of August, 2020, I conferred with counsel for Plaintiff Gibson Brands, Inc., Mr. Kurt Schuettinger, who indicated that Plaintiff was unopposed to the relief requested herein.

/s/ Emileigh S. Hubbard
Emileigh S. Hubbard

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 28th day of August, 2020, a copy of the foregoing document was served on all counsel of record via this Court's CM/ECF electronic filing system.

/s/ Emileigh S. Hubbard
Emileigh S. Hubbard